

requires the Federal Communications Commission to prescribe payphone regulations that, inter alia, (1) establish a per-call compensation plan, (2) discontinue the intrastate and interstate “carrier access charge payphone service elements,” (3) prescribe non-structural safeguards, (4) provide for Bell Operating Company payphone providers the right to negotiate with location providers regarding the carrier of interLATA traffic, and (5) allow all payphone service providers to negotiate with location providers regarding carriers that transport intraLATA calls.

Subsection D of Section 276 of the Act specifically includes “the provision of inmate telephone service in correctional institutions” within the definition of the term “payphone.”

Thus, the Act requires the FCC, as part of the comprehensive payphone rulemaking, to include regulations concerning inmate telephone service. Viewed in this light, the February 20, 1996, Order is at odds with the statutory scheme and constitutes a piecemeal approach to what is intended to be a unified regulatory structure.

Requiring SWBT to implement the terms of the February 20, 1996, Order before the Commission has released the rules and regulations required by The Telecommunications Act of 1996, will require SWBT to do on a piecemeal basis what the Act contemplates should be done as part of a unified process.

Once the Commission has considered the full record which will be created as part of the payphone rulemaking, new facts may come to light which will, in some significant

manner, change the conclusions adopted in the February 20, 1996, Order, which is based upon a small and dated record.³


The Order requires LECs to "establish whatever Part 64 cost pools are needed to accomplish this reclassification and ... file revisions to their Cost Allocation Manuals [CAMs] reflecting this reclassification within sixty (60) days prior to the effective date of the change [emphasis added]." In effect, the FCC is requiring that LECs file a revision to their CAMs on or about July 3, 1996, which is the date sixty days prior to the September 2, 1996, effective date of the reclassification required by the Order. Section 402 of the Telecommunications Act of 1996 states in part that the "Commission shall permit any common carrier ... to file cost allocations manuals ... annually, to the extent such carrier is required to file such manuals....[emphasis added]" Requiring LECs to file revisions to their CAMs more frequently than on an annual basis is contrary to the above-quoted provision of the new legislation. The February 20, 1996, Order must be revised accordingly to be consistent with the requirements of the legislation regarding annual CAM filings.

For the reasons discussed above, SWBT petitions the Commission to waive compliance with the terms of the February 20, 1996, Order until the Commission has released its rules and regulations growing out of the rulemaking proceeding on payphone issues, required by The Telecommunications Act of 1996.

³ Only 10 parties filed comments and only four filed replies in this matter. Moreover, the pleading cycle had been closed for three years prior to the entry of the Order.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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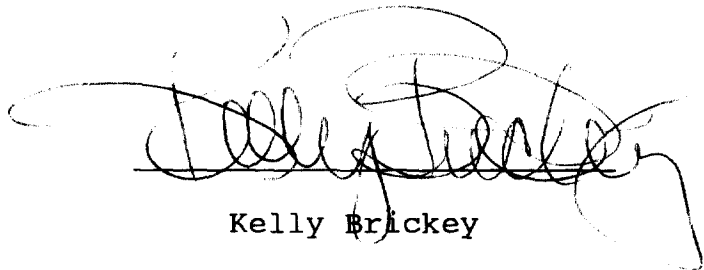
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March **21**, 1996

CERTIFICATE OF SERVICE

I, Kelly Brickey, hereby certify that the foregoing "Petition for Waiver Of Southwestern Bell Telephone Company", have been served March 21, 1996 to the Parties of Record.



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